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7 Attorneys for Defendant State Board of Equalization

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 **UNITED STATES OF AMERICA,**

12 Plaintiff,

13 v.

14 **JESUS MARQUEZ, OLGA MARQUEZ, RAMON**
15 **MARQUEZ, JUANITA MARQUEZ, TAQUERIA**
16 **LOS PRIMOS, TAQUERIA LOS PRIMOS NO. 2,**
17 **LUIS GALINDO, MARTHA GALINDO, BANK OF**
18 **AMERICA, N.A., STATE OF CALIFORNIA**
19 **FRANCHISE TAX BOARD, STATE OF**
20 **CALIFORNIA EMPLOYMENT DEVELOPMENT**
21 **DEPARTMENT, STATE OF CALIFORNIA**
22 **BOARD OF EQUALIZATION, STATE OF**
23 **CALIFORNIA DEPARTMENT OF LABOR, SAN**
24 **MATEO COUNTY TAX COLLECTOR,**

25 Defendants.

C08-0891 CW

DEFENDANT STATE BOARD
OF EQUALIZATION'S
ANSWER TO COMPLAINT

26 The State Board of Equalization ("SBE") hereby submits its answer to the allegations
27 of the Complaint as follows:

28 1. Answering the allegations of paragraphs 1, 3, 4, 5, 6, 7 and 14, the SBE admits the
allegations.

2. Answering the allegations of paragraphs 2, 10, 11, 12, 13, 15, 16, 18, 19, 21, 22, 24,
25, 27, 28, 31, 33, 35, 37 and 38, the SBE lacks sufficient information or belief to answer the

1 allegations and, basing its denial on that ground, denies each and every allegation in paragraphs
2 2, 10, 11, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 31, 33, 35, 37 and 38 of the Complaint.

3 3. Answering the allegations of paragraph 8, the SBE admits the allegations except that
4 the SBE denies that defendant Taqueria Los Primos No. 2 is currently located at 376 Ellsworth
5 Avenue, San Mateo, California 94401. The SBE is informed and believes and based on such
6 information and belief alleges that the correct address of defendant Taqueria Los Primos No. 2 is
7 376 N. Ellsworth Avenue, San Mateo, California 94401.

8 4. Answering the allegations of paragraph 9, the SBE admits that the property subject to
9 the suit is 791 South Johnston Street, Half Moon Bay, California 94019. Except as expressly
10 admitted herein, the SBE lacks sufficient information or belief to answer the remaining
11 allegations, and, basing its denial on that ground, denies the remaining allegations.

12 5. Answering the allegation of paragraph 17, the SBE incorporates its respective prior
13 answers to paragraphs 1 through 16 as though fully set forth in this answer.

14 6. Answering the allegations of paragraph 20, the SBE incorporates its respective prior
15 answers to paragraph 1 through 19 as though fully set forth in this answer.

16 7. Answering the allegations of paragraph 23, the SBE incorporates its respective prior
17 answers to paragraph 1 through 22 as though fully set forth in this answer.

18 8. Answering the allegations of paragraph 26, the SBE incorporates its respective prior
19 answers to paragraph 1 through 25 as though fully set forth in this answer.

20 9. Answering the allegations of paragraph 29, the SBE incorporates its respective prior
21 answers to paragraph 1 through 28 as though fully set forth in this answer.

22 10. Answering the allegations of paragraph 30, the SBE admits the allegations beginning
23 on line 27 with the words "Pursuant to 26" and ending on line 1 with the words "Jesus and Olga
24 Marquez." Except as expressly admitted herein, the SBE lacks sufficient information or belief to
25 answer the remaining allegations in paragraph 30, and, basing its denial on that ground, denies
26 each and every remaining allegation.

27 11. Answering the allegations of paragraph 32, the SBE admits the allegations beginning
28 on line 6 with the words "Pursuant to 26" and ending on line 8 with the words "Ramon and

1 Juanita Marquez.” Except as expressly admitted herein, the SBE lacks sufficient information or
2 belief to answer the remaining allegations in paragraph 32, and, basing its denial on that ground,
3 denies each and every remaining allegation.

4 12. Answering the allegations of paragraph 34, the SBE admits the allegations beginning
5 on line 13 with the words “Pursuant to 26” and ending on line 15 to 16 with the words “Jesus
6 Marquez and Ramon Marquez.” Except as expressly admitted herein, the SBE lacks sufficient
7 information or belief to answer the remaining allegations in paragraph 34, and, basing its denial
8 on that ground, denies each and every remaining allegation.

9 13. Answering the allegations of paragraph 36, the SBE admits the allegations beginning
10 on line 20 with the words “Pursuant to 26” and ending on line 22 to 23 with the words “Jesus
11 Marquez and Ramon Marquez.” Except as expressly admitted herein, the SBE lacks sufficient
12 information or belief to answer the remaining allegations in paragraph 36, and, basing its denial
13 on that ground, denies each and every remaining allegation.

14 WHEREFORE, defendant SBE, prays for the following relief:

15 1. That the tax liens of the United States be foreclosed against the real property of Jesus
16 Marquez, Olga Marquez, Ramon Marquez and Juanita Marquez and the real property sold.

17 2. That this Court determine the relative priorities of the liens of the lienholder parties to
18 this suit and order payment of the tax liens of the State Board of Equalization from the proceeds
19 of the foreclosure sale of the real property of defendants Jesus Marquez, Olga Marquez, Ramon
20 Marquez and Juanita Marquez.

21 3. That the State Board of Equalization be granted its costs.

22 4. For such other and further relief as the Court deems just and proper.

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1 Dated: April 17, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 RANDALL P. BORCHERDING
6 Supervising Deputy Attorney General

7 /s/ Karen W. Yiu

8 KAREN W. YIU
9 Deputy Attorney General
10 Attorneys for Defendant California State
11 Board of Equalization

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **United States of America v. Jesus Marquez, et al.**

No.: **C08-0891 CW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 17, 2008, I served the attached **DEFENDANT STATE BOARD OF EQUALIZATION'S ANSWER TO COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 17, 2008, at San Francisco, California.

Sylvia S. Wu

Declarant

/s/ Sylvia S. Wu

Signature